

**BOARD OF OPTOMETRY
BOARD MEETING
JANUARY 21, 2005**

TIME AND PLACE: The meeting was called to order at 12:30 a.m. on Friday, January 21, 2005 at the Department of Health Professions, Conference Room 3, 6603 W. Broad St., Richmond, VA.

PRESIDING OFFICER: David H. Hettler, O.D, President

MEMBERS PRESENT: Martha Gilbert
Gregory P. Jellenek, O.D.
W. Ernest Schlabach, Jr., O.D.
William T. Tiller, O.D.

MEMBERS NOT PRESENT: Paula H. Boone, O.D.

STAFF PRESENT: Emily Wingfield, Assistant Attorney General, Board Counsel
Elizabeth A. Carter, Ph.D., Executive Director for the Board
Elaine Yeatts, Senior Regulatory Analyst
Carol Stamey, Administrative Assistant

OTHERS PRESENT: Cal Whitehead, Whitehead Consulting, Richmond, VA
Bill Ferguson, Board for Opticians
Betty Graumlich, NAOO

QUORUM: With five members of the Board present, a quorum was established.

PUBLIC COMMENT: No public comment was presented.

REVIEW AND APPROVAL OF AGENDA: The agenda was revised to include the following items:
adoption of proposed regulations under Review of
Legislation, report on CELMO under Committee Reports and
the addition of requests for CE extension.

APPROVAL OF MINUTES: ◆Action, On properly seconded motion by Dr. Tillar, the Board voted unanimously to approve the minutes of the December 7, 2004 meeting.

REVIEW OF LEGISLATION: **Legislation**
Ms. Yeatts presented a summary of the 2005 legislation. The legislation is incorporated into the minutes as Attachment 1.

Adoption of Proposed Regulations
Ms. Yeatts provided an overview of the emergency and proposed regulations. She explained that the amendments to the TPA formulary and treatment guidelines were adopted

through a process that allowed an exemption from the APA in Chapter 32 and in effect. In addition, the Board was required to adopt emergency regulations to amend Chapter 20 that required all optometrists to be TPA certified for licensure. Ms. Yeatts further explained that the proposed regulations for adoption were replacing the emergency regulations, amending Chapter 20. The proposed regulations merged the requirements for TPA certification for licensure, revision in fees and continuing education from Chapter 30 of the TPA regulations into Chapter 20.

◆Action

On properly seconded motion by Dr. Tillar, the board voted unanimously to adopt the proposed regulations for submission to Planning and Budget.

BOARD DISCUSSION:

Guidance Document on Prescribing

Dr. Hettler reported that the regulations did not contain guidelines on the topics of practitioner/patient relationship, self-treatment and treatment of family. A guidance document was requested and presented by Ms. Wingfield. The guidance document is incorporated into the minutes as Attachment 2.

◆Action

On properly seconded motion by Dr. Schlabach, the board voted unanimously to approve the proposed guidance document as presented by Ms. Wingfield.

Ms. Yeatts suggested that the board develop a NOIRA to amend its unprofessional conduct section of the regulations. The matter was referred to the Legislative/Regulatory Review Committee.

COMMITTEE REPORTS:

Newsletter

Dr. Schlabach reported that he would be forwarding articles for the newsletter next week. The subject matter for the articles included mandatory reporting, ARBO, continuing education, TPA regulations, website, e-mail addresses and case adjudication. Ms. Carter reported that a mini-newsletter could be one page and to be disseminated by the end of the month or the format could be a traditional multi-page version that could be posted on the website and transmitted electronically via e-mail.

CELMO Report

Dr. Schlabach reported that CELMO is a credentialing mechanism that ARBO established to provide optometric

licensure mobility across state lines. CELMO reviews and credentials licensees upon their submission of eligibility documentation. Dr. Schlabach reported that he had been requested to develop model language for portability to be presented at the next SECO meeting. Dr. Carter noted that she will be conferring with Tom Eichort, Executive Director for ARBO, prior to board consideration and adoption of CELMO. The document is incorporated into the minutes as Attachment 3.

PRESIDENT’S REPORT:

Welcome of New Board Member

Dr. Hettler welcomed its newest board member, Martha N. Gilbert, Citizen Member.

Board of Health Professions Report

Dr. Hettler presented a brief summary of the Board of Health Professions activities. Specifically, he informed the board of the CCA worksheet utilized by the Board of Medicine about the legislation proposal from the Board requiring licensure of directors of assisted living centers. Dr. Carter also expounded on the usefulness of the CCA case worksheets and noted that all future cases will contain the CCA review sheets.

EXECUTIVE DIRECTOR’S REPORT:

Dr. Carter updated the board on the statistics regarding on-line renewal as well as licensure and disciplinary case figures.

NEW BUSINESS:

The board granted CE extensions to Andrea T. Wallace, O.D. and Sandra R. Brown, O.D. for the 2004 licensure renewal. Further, that the licensees be placed on the 2006 audit list and that the licensees submit proof of CE obtained in the 2004 renewal period.

ADJOURNMENT:

The Board concluded its meeting at 1:20 p.m.

David H. Hettler, O.D.
President

Elizabeth A. Carter, Ph.D.
Executive Director